

**CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA**

**RESOLUTION NO. 16-02**

**RESOLUTION MEMORIALIZING THE  
FINDINGS OF FACT AND REASONS FOR APPROVAL  
RELATING TO THE VARIANCE APPLICATION OF  
ST. PAUL REGIONAL WATER SERVICES FOR THE CONSTRUCTION  
OF AN ADDITION AT 1365 BIDWELL ST.**

**WHEREAS**, St. Paul Regional Water Services is the owner of certain real property located at 1365 Bidwell St. legally described as follows:

LOT 1, BLOCK 1 EMERSON ESTATES

(the "Property");

**WHEREAS**, St. Paul Regional Water Services has applied for a Variance to allow a reduction in the setback to an abutting residential lot (located west of the property) to construct an 11.5 ft. addition to the existing structure; and

**WHEREAS**, the location of the existing structure, topography of the lot, tree coverage, and location of existing underground utilities present significant constraints on the property; and

**WHEREAS**, a public hearing on the application was heard by the Committee of Adjustments on July 19, 2016, at which meeting the Committee of Adjustments voted to approve the Variance request; and

**WHEREAS**, contemporaneously with the votes on the motions, the Committee of Adjustments members voting to approve the request made the following findings of fact:

**FINDINGS OF FACT**

1. The Variances are in harmony with the general purpose and intent of the Ordinance;
2. The terms of the Variances are consistent with the Comprehensive Plan; and
3. The property owner has established that there are practical difficulties in complying with the Zoning Ordinance because of the following:

- a. The Property owner proposes to utilize the Property in a reasonable manner;
- b. The plight of the property owner is due to circumstances unique to the Property, specifically due to the location of the existing structure, topography of the lot, tree coverage, and location of existing underground utilities.
- c. The Variances will not alter the essential character of the neighborhood.

**NOW, THEREFORE, BE IT RESOLVED** by the West St. Paul Committee of Adjustments that the Variance to reduce the setback to the western property line to 5' 5/16" (variance of 44' 11/16") is approved based on the Planner's report, dated July 19, 2016, which is hereby adopted and incorporated herein;

**AND BE IT FURTHER RESOLVED** that the following conditions are imposed on the applicant:

1. The Variance is contingent upon approval of the corresponding Conditional Use Permit Application.
2. The applicant shall apply for applicable building permits. The proposed addition shall be constructed according to the submitted plans.
3. Testing of the proposed generator shall be conducted during daylight hours.
4. Should noise levels resulting from the proposed generator create a public nuisance as determined by the Zoning Administrator, the applicant shall work with Staff to mitigate the noise issues.
5. The applicant shall replace the existing 4-foot chain link fence with a new black vinyl coated 4-foot chain link fence from the southwest corner of the proposed addition west to the west property line and then extending north along the west property line to the northwest corner of the property.
6. The applicant shall work with the neighboring property owner to the west in removing overgrown vegetation and planting new landscaping. Said landscape improvements shall be approved by the Zoning Administrator.

Passed this 19<sup>th</sup> day of July, 2016.

Ayes:

Nays:

Attest:

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Chris Hubert  
Committee of Adjustments Chair

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Jennifer Dull,  
Recording Secretary